THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.18034 of 2006

Dated: 30th August, 2006

Between:

B.Narsimha. **…..PETITIONER**

AND

The Hon'ble Labour Court-III, Hyderabad
rep by its Presiding Officer, Hyderabad
and another. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.18034 OF 2006

ORDER:

This writ petition in the nature of Certiorari is filed seeking to call for the records in I.D.No.48 of 2004, dated 16-11-2005 on the file of the 1st respondent and quash the same insofar not granting notional increments, attendant benefits and back wages, and consequently to direct the 2nd respondent to grant increments, attendant benefits and back wages.

The petitioner who is a driver in the respondent corporation was issued charge sheet dated 22-2-2003 alleging that due to his rash and negligent driving a 11 years girl student while crossing road was hit and died on the spot. The petitioner gave explanation to the charge sheet. Basing on the report of the enquiry officer a show cause notice was issued and the petitioner was terminated from service by the 2nd respondent by proceedings dated
19-7-2003. Against the termination proceedings, petitioner filed an appeal to the appellate authority which was rejected by the proceedings dated 18-11-2003. Aggrieved by the proceedings of the appellate authority petitioner raised an industrial dispute in I.D.No.48

of 2004 wherein the labour Court directed reinstatement of the petitioner into service with continuity of service but without back wages and attendant benefits, which is the subject matter of the writ petition.

Learned counsel for the petitioner mainly contended that the tribunal having given a finding that rash and negligence on the part of the petitioner is not proved cannot deny back wages and attendant benefits and such denial is arbitrary and illegal.

Learned Standing Counsel for the Corporation submitted that the order of the labour court is just and proper and needs no interference.

Heard the learned counsel for the petitioner as also the learned Standing Counsel for the Corporation and perused the impugned award.

A perusal of the award disclose that the labour Court has given a finding that the charge of rash and negligence on the part of the petitioner is not proved and reinstated the petitioner into service with continuity of service, but without back wages and attendant benefits. Having given the finding of no rash and negligence on the part of the petitioner the labour court though justified in denying the back wages inasmuch as the petitioner has not worked during the period of his suspension, but not justified in denying the attendant benefits. The labour court ought to have granted attendant benefits having given a finding of no rash and negligence on the part of the petitioner and no reason is assigned for not granting attendant benefits. In the above view of the matter, the writ petition is allowed with the direction as under:

The order of the labour court is modified to that of reinstatement

with continuity of service and attendant benefits, but without back wages. The petitioner is also entitled to notional increments without any monetary benefit. No costs.

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(N.V. RAMANA, J.)

Date:30th August, 2006.

Grk